

Remarks

Reconsideration of the subject application is requested.

Claims 1-13 are pending. In this paper, claim 12 is canceled without prejudice, and all other pending claims are unchanged.

The search performed by the examiner in connection with substantively examining the subject claims is appreciated.

The status of claims 3-5 as being free of the prior art of record is noted with thanks.

The objection to claim 12 is moot in view of the cancellation of this claim. Notice is hereby made that the cancellation of claim 12 is not to be construed as an acquiescence of the examiner's position or in any other manner relating to the patentability of the claim. Applicant reserves the right to prosecute claim 12 in a downstream application or in any other proper manner as Applicant sees fit.

Claims 1-2 and 6-13 stand rejected for alleged obviousness from Suzuki. In considering this rejection, the examiner's comments regarding Suzuki being §102(e) prior art and the common assignee of the instant application and Suzuki are noted. As suggested on page 3 of the Office action, Applicant points to 35 U.S.C. §103(c) and hereby states that the subject claims are properly allowable over Suzuki.

Suzuki was assigned to Nikon Corporation at least as early as the filing date of that reference, as can be ascertained readily by consulting the PTO assignment records. The priority document of the instant application, namely JP 2000-366846, was filed in the JPO on the priority date on behalf of Nikon Corporation. This is indicated on the attached copy of the first page of the priority application (of record), on which the Japanese characters for "Nikon Corporation" are circled. Hence, at least as early as the priority date of the instant application, the subject invention and the subject matter of Suzuki were owned by the same entity.

Therefore, withdrawal of the rejection is requested.

For the record, Applicants also comment as follows:

In the Office action, the examiner referred to item 17 (contrast aperture, but called a "cut-off plate" by the examiner). The examiner contended that item 17 was located "between the reticle and the back focal plane of the first projection lens." This is incorrect. The contrast aperture 17 is located at a crossover C.O.2 located downstream of the first projection lens 12.

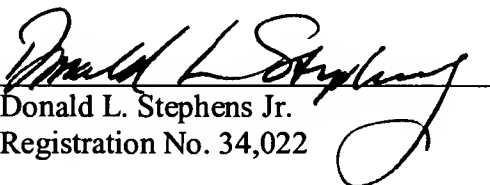
See FIG. 3. Hence, (a) the contrast aperture 17 cannot be located where the examiner contends it is, (b) the contrast aperture 17 cannot be situated at the location recited in claim 1, and (c) the contrast aperture 17 provides no teaching or suggestion of locating a cut-off plate in the manner and for the purpose recited in claim 1. The examiner also contended, "Suzuki differs from the claimed invention [in that] the cut-off plate is not disclosed as blocking at least 90 % of the scattered beam, however since beams scattered from the high scattered region may cause distortions in the image, it would have been obvious . . . to block 90% of the scattered beam." This contention is incorrect. Scattered charged particles do not cause distortion, but rather decrease image contrast (this is why item 17 in Suzuki is termed a "contrast aperture.") Hence, since the examiner's contention lacks proper technical foundation, it is immaterial.

Applicants have a right to an interview at this stage of prosecution. If any issues remain unresolved after consideration of the contents of this paper, the examiner is requested to contact the undersigned to schedule a telephonic interview. Any inaction by the examiner to make such contact, followed by issuance of a final action, will be regarded as an acquiescence by the examiner to grant an interview as a matter of right after the final action.

Respectfully submitted,

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